PTO/SB/21 (04-04) Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE eduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/977.878 NSMITTAL Filing Date October 15, 2001 First Named Inventor **FORM** Marsha A. Moses Art Unit 1642 (to be used for all correspondence after initial filing) **Examiner Name** Karen Canella Attorney Docket Number 701039-054701 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication X to Technology Center (TC) Drawing(s) Fee Transmittal Form Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Terminal Disclaimer Identify below): **Extension of Time Request** Certificate of Mailing; Check - \$55.00; Request for Refund Express Abandonment Request Return Receipt Postcard. CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. Response to Missing Parts/ Incomplete Application 50-0850. Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 100 Summer Street, Boston, MA 02110-2131 Individual name Signature Date 4 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

st class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Nicole M. Gignac

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 OFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name

Signature



Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on 8/10/2004 Date

Nicole M. Gignac

Typed or printed name of person signing Certificate

Application No.: 09/977,878

Filed: 10/15/2001

Note: Each paper must have its own certificate of mailing, or this certificate must identify

each submitted paper.

The following papers listed below are submitted:

- 1. Transmittal Form (1 pg.);
- 2. Amendment (7 pp.);
- 3. Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over A Pending Second Application (1 pg.);
- 4. Fee Transmittal (1 pg.);
- 5. Check \$55.00;
- 6. Return Receipt Postcard.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer U S Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.